

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR NO. 18-00068 JMS-RLP
)	
Plaintiff,)	ORDER GRANTING DEFENDANT
)	KATHERINE P. KEALOHA'S MOTION TO
vs.)	CONTINUE TRIAL
)	
KATHERINE P. KEALOHA (1),)	
LOUIS M. KEALOHA (2),)	
)	
Defendants.)	
_____)	

ORDER GRANTING DEFENDANT KATHERINE P.
KEALOHA'S MOTION TO CONTINUE TRIAL

Before the Court is Defendant Katherine P. Kealoha's Motion to Continue Trial, filed on October 10, 2018 ("Motion"). ECF No. 88. Defendant Louis M. Kealoha filed a Statement of No Objection to the Motion on October 11, 2018. ECF No. 90. The United States filed its Opposition on October 18, 2018. ECF No. 102. A hearing was held on October 23, 2018. ECF No. 112. Assistant United States Attorney Eric J. Best appeared for the United States; Assistant United States Attorneys Colin M. McDonald and Michael Wheat appeared telephonically for the United States; Cynthia A. Kagiwada, Esq., appeared for Defendant Katherine P. Kealoha; and Rustam Barbee, Esq., appeared for Defendant Louis M. Kealoha. After careful consideration of the submissions of the parties, the arguments of counsel, and the relevant legal authority, the Court GRANTS the Motion.

DISCUSSION

Defendant Katherine P. Kealoha moves this Court for an

order granting a continuance of the trial date. The Speedy Trial Act outlines a defendant's right to a speedy trial. 18 U.S.C. § 3161. Under the Speedy Trial Act, a criminal defendant's trial must begin within 70 days of the date the indictment was filed or the defendant's initial appearance, whichever is later. 18 U.S.C. § 3161(c)(1). The statute, however, provides that certain periods of time are excluded from the 70-day calculation. 18 U.S.C. § 3161(h). Among the time periods excluded is:

Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

18 U.S.C. § 3161(h)(7)(A). The district court must set forth in the record, either orally or in writing, its reasons for finding that the ends of justice served by a continuance outweigh the interests in a speedy trial. Id.

Here, Defendant Katherine P. Kealoha requests a continuance of trial and has supplied medical records and information to the Court in support of her request. ECF No. 88 at 1-2; ECF No. 89 at 2. After reviewing the medical records and information provided to the Court, the Court finds that a continuance of the trial is necessary. Accordingly, Defendant Katherine P. Kealoha's request to continue trial is GRANTED.

CONCLUSION

Based on the foregoing, Defendant Katherine P. Kealoha's Motion to Continue Trial is GRANTED. The Court FINDS that the ends of justice served by such an action outweigh the best interest of the public and the Defendants in a speedy trial and CONTINUES jury selection and trial from November 14, 2018 until June 18, 2019. The Court ORDERS that the period from November 14, 2018, to and including June 18, 2019, be excluded from the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(ii) as to all Defendants, as a failure to grant the continuance would unreasonably deny counsel for all parties time necessary for effective preparation, taking into account the exercise of due diligence.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, OCTOBER 25, 2018.




Richard L. Puglisi
United States Magistrate Judge

UNITED STATES V. KEALOHA, ET AL.,; CRIM. NO. 18-00068 JMS-RLP; ORDER GRANTING DEFENDANT KATHERINE P. KEALOHA'S MOTION TO CONTINUE TRIAL